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Harry Macklowe

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LESLIE DICK WORLDWIDE, LTD. and
LESLIE DICK,

Plaintiffs,

-against-

GEORGE SOROS, SOROS FUND
MANAGEMENT, LLC, SFM
MANAGEMENT, LLC, CONSECO, INC.,
VORNADO REALTY TRUST, GERMAN
AMERICAN CAPITAL CORPORATION,
DEUTSCHE BANK AG, EASTDIL
SECURED, LLC, HARRY MACKLOWE,
FIG, LLC, CERBERUS CAPITAL
MANAGEMENT, LP., LAZARD FRERES &
CO. LLC, KIRKLAND & ELLIS, LLP, FRIED
FRANK HARRIS SHRIVER & JACOBSON
LLP, CARMEL FIFTH, LLC, 767 MANAGER,
LLC, DONALD J. TRUMP and JOHN DOES
“1” THROUGH “10,”

Defendants.
..... X

No. 08 CV 7900 (BSJ/THK)

ECF Case

**DECLARATION OF MARC K.
BATTLE IN SUPPORT OF
HARRY MACKLOWE’S
MOTION TO DISMISS**

I, Marc K. Battle, declare:

1. I am associated with Fried, Frank, Harris, Shriver & Jacobson LLP, counsel to defendant Harry Macklowe. I submit this declaration in support of Harry Macklowe's Motion to Dismiss the Action with Prejudice.

2. Attached hereto as Exhibit A is a true and correct copy of the Amended Verified Complaint filed on June 21, 2006 in New York State Supreme Court by Plaintiffs Leslie Dick Worldwide, Ltd., and Leslie Dick in *Leslie Dick Worldwide Ltd., et al v. Macklowe Props., Inc., et al.*, Index No. 06/600222 (Sup. Ct. New York County 2006).

3. Attached hereto as Exhibit B is a true and correct copy of the Complaint filed on September 10, 2008, in this action.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury on this 22nd day of December, 2008 that the foregoing is true and correct.



Marc K. Battle